

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

ALL THIRD PARTY PAYOR ACTIONS

MDL 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**MOTION FOR APPROVAL OF OPT OUTS FROM TPP CLASS ACTION
SETTLEMENT, OR IN THE ALTERNATIVE,
FOR LEAVE TO FILE LATE OBJECTIONS**

Now come two Third Party Payors (“**TPPs**”), OPCMIA 526 Combined Funds, f/k/a Cement Masons Local No. 526 (“**OPCMIA 526**”) and IBEW Local 126 Health & Welfare Fund (“**IBEW 126**”), and one school district, Big Spring School District (“**Big Spring**”) (collectively, the “**Late TPP Opt Outs**”), by and through the undersigned counsel and hereby move for leave of Court to allow their opt outs from the TPP Class Action Settlement with the Distributor Defendants after the Court-imposed deadline.¹ Alternatively, should the Court be inclined to deny this request, movants each seek the opportunity to supplement this request with additional evidence in support of their request for a finding of “excusable neglect” to allow Late TPP Opt Outs. Movants also respectfully seek, in the alternative, leave of Court to file belated objections to the class settlement on behalf of the Late TPP Opt Outs as it pertains to the adequacy of the notice disseminated to TPPs and the circumstances of the Late TPP Opt Outs missed the Court-

¹ Because none of the Late TPP Opt Outs seek to be a part of this MDL proceeding, last Friday, December 13, 2024, undersigned counsel for the TPP Opt Outs filed limited entries of appearance solely for purpose of securing the opt out rights of the TPP Opt Outs.

imposed opt-out deadline, including the knowledge of Settling Distributors about the Late TPP Outs from the proceedings in the *Plumbers Local 690* case pending in Pennsylvania state court.

The grounds for this Motion are more fully set forth in the Memorandum In Support attached hereto and incorporated herein.

Respectfully submitted,

December 16, 2024

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Attorneys for certain members of the TPP Settlement Class

CERTIFICATE OF SERVICE

The foregoing *Motion for Leave* was filed on this 16th day of December, 2024 using the Court's electronic filing system. The parties will receive notice of this filing by operation of that system and may access this filing at its convenience.

/s/ Angela M. Lavin
Angela M. Lavin (0069604)
One of the attorneys for certain members of the
TPP Settlement Class